App. F. IX-4

PIOE

1926-7.

File No. 81-26

Previous References

R.A 29-23-(58*67)

(R.A)

Serial Nos. 1-2.

Later References

General and Revenue Secretariat.

Serial Nos. Two.

Part B for 30th May 1927.

SUBJECT

Charges that may be met out of the deposit of Rs 100 in election petitions.

---

2). Dom D. C. Kadur Dist

Letter no. 1715 & 30.5.27.

Issues instructions regarding the charges and expenses that may be met out of the deposit of Rs 100 in election petitions.

Neelakantha Pillai
29/6/27

G. R. S. III—3]

(1

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D 778 From the Dy Comr Madurai
No C 1636-26 D 12.5.27

With reference to Rule 5 o
of the Rules framed with the
Notification No. P 2600 / Legis 12-23-
D 17.11.23 requests instructions
on the following points:—

(i) Whether the attendance of officers or
officials summoned as witnesses
in the enquiry should be met out
of the deposit amount of Rs 100/-

(ii) What has to be done in cases
in which such charges exceed the
said amount

(iii) Can they process fees to be issued
on summonses sent to witnesses
on behalf of the opponent
as also their TA be met from
the above deposit amount or have
they to be recovered from the
opponent himself when he
applies for issue of processes.

(iv) What items have to be taken into
account, while determining the costs,
charges & expenses payable by
the applicant & whether these
items include the advocate's fees
also

(v) Is the opponent liable to pay
costs of the applicant if the latter
succeeds

(vi) Can the balance of the deposit amount
after defraying the above charges
be returned to the party or applicant
made by them

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

778. 2.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

(1 Secy's orders thereon.

Attend to it early
(J.F.) Pon
4/5/27

2) Submitted.

3) Rules of the Rules framed
under Notification No. P.24400
dt. 7.11.23 as follows. Legis 12-237

"Every petition shall
be accompanied by a deposit
of Rs 100 (one hundred) as security
for all costs, charges & expenses
which may become payable by
the applicant"

4 Submitted for orders.

6/5/27

5. Re question v., I remember
there was a file from x Govt
in which the same question was
raised. Please put up

9/5

6 Rt 29-23 (Ss 5 & 6) Pa
Contains a decision
June 1925, to the effect that
there is no provision in the Rules
or Regulations for the recovery
of costs in election petitions
Submitted as directed

10/5 Pon
10.5.27

P87
of Rt and
L & Govt. of
Vol I

Pay W

Should further notes be written on small slips,
the notes must be copied, or slips pasted, on
this form.

W. 1510—III—150 (C)—2.5.21

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(7) Under Rule 5. (page 9. Vol I) the sum of Rs 1000/- is deposited as security for costs, charges and expenses which may become payable by the applicant.

(8) The question as to what amount the pet^r has to pay may have to be decided after the close of the case & orders passed. Till then ~~close of the~~ this amount is to be kept as security.

(9) During the course of the proceedings, each party has to ~~xxx~~ bear the expenses for summoning witnesses etc ~~xxxxx~~. This is the practice in Civil Courts. After the case is decided the successful party is generally given the ~~xxxx

F. R. S. [III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

(10) In view of the above the replies to the D.C.'s queries may perhaps be as follows:

(1) no

(2) — does not arise

(3) Dues have to be recovered from the opponent when he applies for leave of proceedings

(4) All expenses which, in Court's discretion are reasonable & necessary, Counsel's fees may be included.

(5) There is no rule for the opponent to pay costs (R. W.) The opponent can claim costs if the ~~pet~~ objection petition fails.

(6) Yes.

(Reg. L.D.) 11/5

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

(1) Please put up Govt. of India or Provincial Rules of Legislative Election Petition

Govt. of India, Legislative Department.

No. 1.

Dated the 12th May 1925.

From

The Secretary to the Government of India,

To

The Secretary to the Government of Bombay,

Legislative Department.

Sir,

I am directed to forward for the information of the Government of Bombay a copy of the Indian Legislative Rules framed under section 129 of the Government of India Act, 1919, and published with the notification of the Government of India, Legislative Department, No. 1, dated the 12th May 1925.

I have the honour to be,

Sir,

Your most obedient servant,

Secretary to the Government of India.

Govt. of India, Legislative Department.

No. 1.

Dated the 12th May 1925.

Copy forwarded to the Secretary to the Government of Bombay, Legislative Department, for information.

By order of the Governor General in Council

G. R. S. I[illegible-3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Litn. No. D254

Vol I & II

Vol section III —

Dept

Please bring this

8-4

14-5

12 Submitted.

13 Kind attention to invited to pages 458 & 459 of Mr Kherjis Indian Constitution as to the payment of costs.

13/5

13.5.27

14 The rules on this subject are defective in many respects.

15 The questions raised by D.C. may be considered by the Committee appointed to revise the rules.

16 Meanwhile D.C. will be informed accordingly as the case is before the Court.

14.5

Duncan

(17)

16/5

16/5

LEGAL OFFICE.
Received on
16 MAY 1927
Reg. No. 8748

N.B.—Should routine notes be written on small slips of paper the notes must be gummed, or slips pasted on, to this form.

(6)

D. 7.7.6

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(18) Draft submitted for approval

20/5

BR
20.5.27

(1) Issue

28/5

File Head S. & R. Cl. M.

Issued No. Rel 1715

30/5/27

Box Secs

30/5/27

Submitted.

This file may be referred to the clerk dealing with the diversion of duties as per direction in the paragraph 15 of the

25/6/27

29/6

To Mr. D. Sitaramaiya with compts.

BR
2.7.27

The rules have been suitably revised by the committee. Please see para 78 of the R. B. Manual which by the Committee

17.1.28

28/1/28

R.A. L.A.C. Asst

13/6

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

D.778. 5049 926 (1

D.C.4.]

No. C.1636-26.

OFFICE OF THE DEPUTY COMMISSIONER,
KADUR DISTRICT.

ENC. 1

OFFICE OF THE SECRETARY
5. MAY 1927
REPRESENTATIVE A. S.
AND
LEGISLATIVE COUNCIL

Dated Chikmagalur, 2nd May *1927.*

FROM

H.V.Ramasvami, Esq., M.A., B.L.,
Deputy Commissioner,
Kadur District.

For J. N. A

RA 81-26-1

To

B.Nagappa, Esq., Bar-at-Law,
Secretary to the Government
of His Highness the Maharaja of Mysore,
Law Department,
Bangalore.

SIR,

Attend it early 8-5 4.5. 1 25/5/- 2 Rec 6/5

With reference to Rule 5 of the rules issued with Government Notification No.P.2400/Legis. 12-23-7 dated 7th November 1923, --- requiring that every petition against the return ~~of~~ of any candidate at an election to the Representative Assembly shall be accompanied by a deposit of Rs. 100/- as security for all costs, charges and expenses which may become payable by the applicant, I have the honor to request instructions on the following points:-

(i) Whether travelling allowances calculated in accordance with the provisions of the Mysore Service Regulation to Government Officers and officials summoned as witnesses in the enquiry at the instance of the applicant have to be met out of the deposit amount of Rs. 100/-?

(ii) If so, what has to be done in cases in which such charges exceed the said deposit amount?

(iii) Can the process fees to be levied on summonses sent to witnesses on behalf of the opponent as also their travelling expenses if any, be met from the above deposit amount, or have they to be recovered

(2

recovered from the opponent himself when he applies for issue of processes?

(iv) What items have to be taken into account in determining the costs, charges and expenses payable by the applicant? Do these items include the Advocate's fees also?

(v.) Is the opponent liable to pay costs of the applicant if the latter succeeds, and whether the opponent can claim the costs incurred by him (including the Advocate's fee) if the --- objection petition fails?

(vi) Can the balance of the deposit amount after defraying the above charges be returned to the party on application made by him.

2. As I feel that the rules as they stand at present, are not clear on the above points, I request early orders in the -- matter.

I have the honor to be,

Sir,

Your most obedient servant,

H U Ramaswamy.

Deputy Commissioner,
Kadur District.

K.L.N.

APP. F. VI. Gl.]

SUBJECT

(3

Diary No. of letter replied to 778

General and Revenue Secretariat
(Ort)
the 192

Date of issue 30/5/27

Signed by MW. I. S.

List of enclosures

Copied by

Examined by

Section Ort

File No. 81-26

Serial No. 2

No. Rev. 1715—

To The Deputy Commissioner
Kaira Dt

Sir,

With reference to your letter No. C/36-26 dated 2nd May 1927 requesting instructions as to the items that may be paid out of the deposit of Rs. 100/- ~~furnished~~ accompanying every petition against the return by any candidate at an election to the Legislative Assembly, I am directed to state as follows:—

(1) Travelling allowances ~~paid~~ to officers and officials summoned as witnesses cannot be met out of the deposit amount.

over

(4)

2) This question does not arise in view
of reply to (1)

(3) ~~They to~~ The process fees & Taxi guidances
have to be recovered from
the opponent when he applies
for issue of processes.

(4) All ~~reasonable~~ ~~excess~~
expenses, which, in the courts
discretion, are reasonable and
Necessary. May be taken into account
in determining the costs. Advocates
fees may be included.

5) There is no rule for the opponent
to pay costs. The opponent
can claim costs if the objection
petition fails.

(6) The balance of the deposit
Amount may be returned to the
party on application made by
him.

Secretary

20/5

Secretary, Board
Land Department

20.5.27